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Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SAVE OUR FOREST ASSOCIATION,
INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,
et al.,

Federal Defendants,

YUHA AVIATAM OF SAN MANUEL
NATION, a federally recognized Indian
tribe, also federally recognized as
SAN MANUEL BAND OF MISSION
INDIANS

Defendant-Intervenor.

Case No. 5:24-cv-01336-JGB-DTB

**THE UNITED STATES'/FEDERAL
DEFENDANTS' UNOPPOSED EX
PARTE APPLICATION FOR A
STAY PENDING LAPSE IN
APPROPRIATIONS**

Hearing Date: N/A

Courtroom: Riverside Courtroom 1

Judge: Hon. Jesus G. Bernal

Action Filed: June 25, 2024

1
2 The United States, on behalf of Federal Defendants, and by and through
3 undersigned counsel of record, hereby apply ex parte for a stay of all deadlines and
4 proceedings in this case, pending the lapse in appropriations for the Federal
5 Government.

6 1. At the end of the day on September 30, 2025, the appropriations act that had
7 been funding the U.S. Department of Justice expired and those
8 appropriations to the Department lapsed. The same is true for Federal
9 Defendants (U.S. Department of Agriculture/Forest Service). The
10 Department of Justice does not know when such funding will be restored by
11 Congress.

12 2. Absent an appropriation, Department of Justice attorneys and employees of
13 Federal Defendants are prohibited from working, even on a voluntary basis,
14 except in very limited circumstances, including “emergencies involving the
15 safety of human life or the protection of property.” 31 U.S.C. § 1342.

16 3. Prior to the shutdown, counsel for the United States and employees for
17 Federal Defendants had begun preparing for upcoming events in this case,
18 including mediation statements due October 14, 2025 for court-ordered in-
19 person mediation scheduled for October 21, 2025 in Los Angeles (*see* ECF
20 No. 71), as well as a response in opposition to Defendant-Intervenor’s
21 anticipated motion to dismiss.¹ Due to the lapse in appropriations, counsel
22

23 ¹ The Parties agree that the filing of the motion to dismiss should be excepted from
24 the stay, and that only the subsequent briefing of it should be stayed.

1 for the United States and Federal Defendants have been forced to cease work
2 on these matters, and will suffer irreparable prejudice if the dates of these
3 and any other events during the shutdown are not stayed to account for
4 Federal Defendants' inability to prepare for them as a result of the lapse in
5 appropriations.

6 4. The United States and Federal Defendants therefore request a stay of all
7 deadlines and proceedings in this matter until Congress has restored
8 appropriations to the Departments.

9 5. If this ex parte application for a stay is granted, undersigned counsel will
10 notify the Court as soon as Congress has appropriated funds for the
11 Departments. The United States and Federal Defendants request that, at that
12 point, the Parties to this matter be provided 7 days to file a proposed
13 schedule for any matters in this case affected by the stay.

14 6. Plaintiff and Defendant-Intervenor, through counsel of record, have been
15 consulted and do not oppose this application.

16
17 Therefore, although the United States and Federal Defendants regret any
18 disruption caused to the Court and the other litigants, the United States and Federal
19 Defendants hereby respectfully request a stay of all deadlines and pending matters
20 in this case until employees of the Departments of Justice and Agriculture are
21 permitted to resume their usual civil litigation functions.

22
23 Respectfully submitted on October 6, 2025.

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ Andrew A. Smith
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Attorneys for Federal Defendants

DECLARATION OF ANDREW A. SMITH

I, Andrew A. Smith, declare:

1. I am a Senior Trial Attorney for the United States Department of Justice, Environment & Natural Resources Division, Natural Resources Section, and I am the attorney principally responsible for representing Federal Defendants in the case entitled: *Save Our Forest Ass'n v. United States Forest Serv.*, Case No. 5:24-cv-01336-JGB-DTB. I make this declaration based upon my personal knowledge and that gained by review of the official files and records of the United States. If called as a witness and placed under oath, I could and would competently testify thereto.

2. A little before 9:45 a.m. Pacific time on October 2, 2025, I sent counsel for Plaintiff and Defendant-Intervenor an email with a draft motion and proposed order attached, requesting their positions on Federal Defendants' request for a stay of proceedings in this case as a result of the lapse in appropriations for the Federal Government. Having received no responses 24 hours later, I again emailed counsel for Plaintiff and Defendant-Intervenor on October 3, 2025. I subsequently discussed the proposed request for a stay with counsel for Plaintiff that same day by telephone, and through emails with counsel for Defendant-Intervenor. Counsel for Plaintiff and counsel for Defendant-Intervenor have advised that Plaintiff and Defendant-Intervenor do not oppose the requested stay.

3. Plaintiff's counsel's contact information is: Rachel S. Doughty/Greenfire Law, PC/2748 Adeline Street, Suite A/Berkeley, CA 94703/510-900-9502/rdoughty@greenfirelaw.com. Defendant-Intervenor's counsel's contact information is: Frank R. Lawrence/Law Office of Frank Lawrence/111 Bank St. No. 175/Grass Valley, CA 95945/530-362-8434/frank@franklawrence.com.

I declare under penalty of perjury that the above is true and correct.

Executed this 6th day of October, 2025, at Albuquerque, New Mexico.

/s/ Andrew A. Smith
ANDREW A. SMITH
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification to the attorneys of record.

/s/ Andrew A. Smith
Andrew A. Smith
U.S. Department of Justice